

Enrolled House Bill 3472

Sponsored by Representative KRIEGER

CHAPTER

AN ACT

Relating to commercial fishing; creating new provisions; amending ORS 508.285, 508.936 and 508.947; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 508.285 is amended to read:

508.285. (1) The fee for each license required by this chapter is as follows:

- (a) Albacore tuna landing license, \$20.
- (b) Resident boat license, \$200.
- (c) Nonresident boat license, [~~\$400~~] **\$760**.
- (d) Resident commercial fishing license, \$50.
- (e) Nonresident commercial fishing license, [~~\$100~~] **\$290**.
- (f) Commercial fishing license for resident persons 18 years of age or younger, \$25.
- (g) Commercial bait fishing license, \$60.
- (h) Fish buyer license, \$150.
- (i) Fish bait dealer license, \$60.
- (j) Food fish canner license, \$350.
- (k) Shellfish canner license, \$350.
- (L) Single delivery license, \$100.
- (m) Wholesale fish dealer license, \$350.

(2) As used in this section, "resident" means an actual bona fide resident of this state for at least one year prior to application for a license.

SECTION 2. ORS 508.947 is amended to read:

508.947. (1) The State Department of Fish and Wildlife may issue a black rockfish and blue rockfish vessel permit to **an owner of** a vessel that landed a minimum of 750 pounds of nontrawl caught black rockfish, blue rockfish or nearshore fish in any one calendar year between January 1, 1995, and **January 1, 2001, or in the six-month period between January 1, 2001, and July 1, 2001**, for delivery to a fish processor licensed pursuant to ORS 508.025.

(2) The department may issue a black rockfish and blue rockfish vessel permit with a nearshore fish endorsement to **an owner of** a vessel that was issued a permit under the Interim Nearshore Fisheries Plan through the Developmental Fisheries Program.

(3) The department may renew a black rockfish and blue rockfish vessel permit or a black rockfish and blue rockfish vessel permit with a nearshore fish endorsement if the vessel made a minimum of five commercial fish landings during the calendar year prior to the request for renewal for delivery to a fish processor licensed pursuant to ORS 508.025.

(4) Permits issued under this section expire on December 31 of each year. An owner of a vessel with a permit must submit a renewal application to the department by January 1 of each year. If the owner of a vessel with a permit does not submit a renewal application by January 1, the department shall, not later than February 1, send to the owner by certified letter a notice of the failure to submit the renewal application. An owner may renew a permit later than January 1, but not later than April 1, if the owner pays a \$150 late fee in addition to the fee required in ORS 508.949.

(5) In making determinations regarding initial eligibility for and renewal of a permit issued under this section, the department may consider department records and receipts and accounts, contracts and other business records of private parties that the department considers reliable.

(6) Except as provided in ORS 508.955, new vessel permits may not be issued under this section after December 30, 2005.

SECTION 3. ORS 508.936 is amended to read:

508.936. (1) The system established under ORS 508.921 shall include provisions to make the vessel ocean Dungeness crab permit required by ORS 508.926 transferable:

(a) To another vessel; or

(b) To the purchaser of the vessel when the vessel is sold.

(2) The vessel to which a permit is transferred [*shall*] **may** not be:

(a) More than 10 feet longer than the vessel from which the permit is transferred; [*and*] **or**

(b) More than 99 feet in length.

(3) Notwithstanding subsection (2) of this section, a permit issued to a vessel:

(a) Under ORS 508.931 (1)(e) shall be transferred only to a vessel that is 26 feet or less in length.

(b) May not be transferred to a vessel that is more than 10 feet longer than the vessel for which the permit was held on January 1, 2006. However, the Commercial Fishery Permit Board may waive the length restriction in this paragraph if the board finds that strict adherence to the length restriction would create undue hardship, as that term is defined by rule by the State Fish and Wildlife Commission, for the individual seeking transfer of the permit.

(4) Transfer of a permit under this section is subject to the approval of the State Department of Fish and Wildlife according to such rules as the State Fish and Wildlife Commission may adopt. Any transfer of a permit from a vessel without the written consent of each person holding a security interest in the vessel is void.

[(5) A vessel ocean Dungeness crab permit shall not be transferred to another vessel more than once in a 60-month period. However, the Commercial Fishery Permit Board may waive the waiting period if the board finds that strict adherence to the waiting period would create undue hardship for the individual seeking transfer of the permit.]

[(6)] (5) For purposes of this section, the length of a vessel shall be determined by the manufacturer's specification of overall length, United States Coast Guard documentation stating overall length or a survey of overall length by a certified marine surveyor, as the State Fish and Wildlife Commission by rule shall establish.

SECTION 4. The amendments to ORS 508.936 by section 3 of this 2005 Act become operative January 1, 2006.

SECTION 5. This 2005 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect on its passage.

Passed by House July 1, 2005

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Chief Clerk of House

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Speaker of House

Passed by Senate July 12, 2005

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President of Senate

Received by Governor:

.....M.,....., 2005

Approved:

.....M.,....., 2005

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2005

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Secretary of State